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Chairman: Mr. TSHERING (Bhutan)

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 112: HUMAN RIGHTS QUESTIONS (continued) (A/50/3)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/50/40, 44, 469, 472, 505, 512 and 755)

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/50/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/50/36)

1. Mr. KIRBY (Special Representative of the Secretary-General on the situation of human rights in Cambodia), introducing the report in document A/50/681, said that the media often failed to give adequate coverage to his words of praise for Cambodia, focusing instead on his words of caution and thereby reinforcing those elements in Cambodia which were suspicious of free and critical opinions.

2. He wished, therefore, to draw attention to the positive developments that had taken place in Cambodia during the period of his mandate. The improvement in the economic situation was particularly important, since amelioration of the lives of ordinary citizens was an essential underpinning of human rights. The office of the Centre for Human Rights in Phnom Penh had been able to continue its vital work, a request by the Government for its closure having been amicably resolved. In addition, many non-governmental human rights organizations were now active in Cambodia. The Government was continuing its efforts to clear land-mines. In that context, he deeply regretted the failure of the Vienna review conference in October 1995 to adopt a new and stronger international instrument on land-mines. In his report, he had devoted special attention to the rights of the child. Accordingly, he welcomed the creation of a Cambodian National Council for Children. Progress had also been made in the areas of health care and education and in the prevention of trafficking in minors. The Government had begun to tackle the problem of the ethnic Vietnamese boat people held on the border with Viet Nam, allowing some of them to return to their villages.

3. While Cambodia's leaders could be proud of those achievements, he wished to mention certain problem areas in the hope that, by doing so, he might encourage

further improvement. While the National Assembly was carrying out its lawmaking functions, Cambodia still lacked a constitutional council. There was thus no authoritative body to resolve basic constitutional questions. Although a bar association had been established and human rights defenders were continuing their work, it was questionable to what extent judges could be independent of the executive, given their low salaries. Military personnel were still being accused of human rights violations and the immunity granted to civil servants had been criticized as placing them above the law. While the print media remained vigorous, the new Press Law allowed for the imprisonment of journalists and the administrative closure of media outlets. Prison conditions remained a source of concern. The removal of posters promoting the use of condoms ran counter to measures aimed at preventing the spread of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS). Lastly, because of the large number of returnees, defects in the land laws were provoking strife.

4. A number of recent events were particularly worrisome. The detention of Prince Sirivuddh and the lifting of his parliamentary immunity had violated the privileges granted to members of the National Assembly to safeguard it as a forum for divergent views. The alleged impediment to the registration of an opposition party had challenged the commitment to political pluralism made in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict. Attacks on a newspaper office and its journalists had reportedly been condoned by the Government. Lastly, while the Cambodian Government generally supported him in carrying out his duties, on his most recent mission he had encountered difficulties in that regard. There was a clear need for continuing vigilance. The creation of a culture of democracy and human rights was a difficult task and the United Nations must maintain its commitment to the people of Cambodia.

5. Prince SISOWATH Sirirath (Cambodia) said that his delegation welcomed the Secretary-General's report contained in document A/50/681. It urged delegations to read the reply from the Government of Cambodia contained in annex III to the report. His Government was gratified that the Centre for Human Rights was to continue its important work of promoting human rights and democracy in Cambodia, although its mandate had been due to expire in March 1996.

6. Mr. YOKOTA (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar), introducing his interim report (A/50/568), said that he had been unable to draw conclusions or arrive at recommendations on the alleged human rights violations summarized therein, since he had not been able to visit Myanmar before the deadline for submission of the interim report. He had visited Myanmar, subsequently, at the invitation of the Government, and had also travelled to Thailand to meet with members of the Karenni, Shan and Karen ethnic minorities living along the Thai-Myanmar border, in order to ascertain the situation of those groups within Myanmar.

7. During his visit to Myanmar, he had been received by a number of high-level Government officials. He had met twice with leaders of the National League for Democracy (NLD) at the home of its General Secretary, Daw Aung San Suu Kyi, and had been able to talk freely with them. Regrettably, his meetings with representatives of the Union Kayene League and the National Unity Party had not taken place in private, as requested, but at a Government guest-house where the atmosphere had not been conducive to a free exchange of views. While the

Government had arranged for him to visit Myitkina and Insein prisons, he had been unable to see political prisoners there.

8. A full account of his findings would be presented in his final report to the Commission on Human Rights. Based on his preliminary observations, he was able to report a number of positive developments with regard to the situation of human rights in Myanmar. In 1995, the Government had continued to release political prisoners, including two prominent NLD leaders. He noted with particular satisfaction the July 1995 lifting of restrictions on Daw Aung San Suu Kyi, who was now free to meet with supporters and travel within the country. Cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) was continuing, more than 190,000 refugees out of an estimated total of 250,000 having so far been repatriated from Bangladesh. Other United Nations bodies such as the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF), as well as non-governmental humanitarian organizations, were increasingly active in Myanmar. In the cities, there were visible signs of a relaxation of the tensions which had previously marked daily life, although only a small portion of the population was benefiting from the recent economic improvements. The State Law and Order Restoration Council (SLORC) had issued a secret directive discouraging the practice of forced labour. Lastly, cease-fire agreements had been signed between the Government and several ethnic minorities.

9. Nevertheless, grave human rights violations continued in Myanmar, facilitated by a complex array of security laws giving the Government sweeping powers of arbitrary arrest and detention. The activities of political parties, in particular NLD, continued to be severely restricted. In the field of the administration of justice, the right to a free trial was prejudiced by inadequate access to defence lawyers and there was a lack of proportionality between the acts committed and the punishment applied. Myanmar had not accepted the customary procedures for visits to places of detention by representatives of the International Committee of the Red Cross (ICRC). Torture, arbitrary killings and rape allegedly continued to be for the most part carried out by soldiers in the course of military operations and forced relocations in border areas. Many of the victims belonged to ethnic minorities. There were also continuing reports of forced labour.

10. He urged the Government to sign and ratify the various international human rights instruments. Myanmar law should be brought into line with accepted international standards on the right to life, the prohibition of torture and the provision of humane conditions for all persons in detention. The Government should comply with its obligations under International Labour Organization (ILO) Convention No. 29 prohibiting forced labour and should publicize the secret directive in which it discouraged that practice. The provisions which currently prevented ICRC from carrying out its humanitarian activities in prisons should be repealed. The Government must take steps to facilitate enjoyment of the rights to freedom of opinion, expression and association, in particular by decriminalizing the expression of critical views, relinquishing its control over the media and permitting the formation of free trade unions. All persons arrested under martial law should be tried promptly in independent civilian courts or released. Lastly, the conflicts between the Government and ethnic minorities should be resolved peacefully. Those recommendations reflected the

obligation which Myanmar had assumed as a State Member of the United Nations to respect the human rights standards enshrined in the Charter.

11. Mr. Pethein TIN (Myanmar) said that the international community must recognize the positive developments taking place in Myanmar. A process of peaceful evolution towards the achievement of a modern, democratic and developed nation was already under way. The Special Rapporteur's report did not reflect the true situation in Myanmar, but simply reproduced a litany of politically motivated complaints. His Government did not condone human rights violations. On the contrary, it was firmly committed to the protection and promotion of fundamental human rights. The international community could best assist the processes of democratization and development under way in Myanmar by ending the unreasonable pressure exerted upon it. It was time to take a more objective view of the evolving situation in his country.

12. Mr. BIRO (Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan), introducing the report contained in document A/50/569, said that to list all the documented violations and atrocities that had occurred in the Sudan over the past three years would mean enumerating every possible violation of the whole range of universal human rights and freedoms recognized by the United Nations. In the northerr part of the country, agents acting in the name of the Government of the Sudan should be held responsible for those violations, while in the south, all parties to the armed conflict had committed grave violations against the life, liberty and security of Sudanese citizens. It was regrettable that neither he, in his capacity as Special Rapporteur, nor any concerned United Nations body or agency had received any communication from the Government on steps taken to implement the recommendations contained in Commission on Human Rights resolution 1995/77 or similar previous resolutions. He had received no reports from independent sources within or outside the Sudan that any such steps had been taken.

13. Among the most outrageous and shocking violations were those targeting children and women. Although the Sudan had been among the first countries to sign the Convention on the Rights of the Child, the situation of children and women belonging to certain ethnic, racial and religious groups had not changed and the violations described in earlier reports had continued. It was particularly alarming that members of the Sudanese army and paramilitary units created by the Government after 1989 were reported to have been actively and regularly involved in those practices during the past three years. The Government's passivity in that situation was completely unacceptable. Sufficient practical measures had been recommended to enable the Government to put an end to those activities, yet nothing had been done.

14. Another circumstance of particular concern to the international community was the fact that the vast majority of victims of abduction and related violations were members of the indigenous tribes and communities from the Nuba Mountains and Ingassema Hills and the Dinka tribe from Bahr al Ghazal. He had also received information on victims belonging to southern ethnic, racial and religious minorities. Numerous reports from different independent sources indicated that, once they arrived in the north, some victims of abduction were forced to convert to Islam and given Arabic names. Even then, the treatment meted out by their owners was in most cases harsh and degrading. Some reports

indicated that members of northern Arab tribes, such as the Rizeighat living in the Bahr al Ghazal area, rejected such practices and had been helping to rescue abducted persons from the north. Reunifying family members in that way was a costly undertaking, however, and many people could not afford to pay the compensation and expenses demanded by mediators.

15. In the south, following the intervention of such respected figures as former United States President Jimmy Carter and of United Nations bodies such as the Nairobi office of UNICEF, some positive developments had taken place in 1995. Those included the Guinea worm vaccination campaign made possible by the four-month cease-fire negotiated by former President Carter in March 1995. The family reunification process had continued, with the support of UNICEF/Nairobi. Leaders of the main rebel factions in the south had unilaterally undertaken to respect humanitarian law provisions and the rights of the child in the agreement on ground rules signed with Operation Lifeline Sudan.

16. The Government's position on those developments had been ambivalent. Although it had given its consent to the vaccination campaign by agreeing to the cease-fire, it had arbitrarily restricted access to certain locations and areas and had launched a vigorous campaign against some of the United Nations agencies involved. The General Assembly should call on the Government of the Sudan to change its position and to cooperate fully with all international humanitarian organizations and their representatives, in order to mitigate the suffering endured by civilians as a result of the armed conflict.

17. The situation of human rights in the Sudan was sufficiently serious to warrant continuous and intensified monitoring. The small-scale permanent human rights monitoring operation recommended by the Commission on Human Rights and approved by the Economic and Social Council should receive all necessary financial and moral support from the General Assembly and the Secretariat so that it could be started without delay. It was well demonstrated that in certain situations - and the situation in the Sudan, particularly in the south, undoubtedly belonged in that category - instant publicity in the form of detailed documentation of human rights violations was the first step towards future prevention.

18. Mr. ELMUFTI (Sudan), said that the remarks made by the Special Rapporteur were very serious and had a far-reaching impact on the reputation of the people and Government of the Sudan. For that reason, his Government had prepared a detailed response to the report, putting it in context and perspective. That response would be distributed shortly as an official document of the United Nations. The complaint by the Special Rapporteur that he had been denied access to the Sudan was only half the truth, as had always been the case with his reporting, the other half being that the Special Rapporteur had been admitted to the Sudan three times during 1992 and 1993, when, by his own account, his visits had been a complete success. It was only out of respect for the will of the international community that the Sudanese Government had admitted the Special Rapporteur three times, given its strong reservations about his lack of experience, professional ability, credibility and objectivity.

19. His Government remained firmly committed to its obligations under international human rights law and recognized the principle that human rights

were a legitimate concern of the international community. If it had decided to deny the Special Rapporteur access to the Sudan in 1994, that was because he called for the abolition of shariah legislation. It had responded promptly by explaining that such a call violated the religious freedom guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. His Government's position had been supported by the Organization of the Islamic Conference, which, in October 1994, had affirmed that any criticism of the principles of the shariah was inadmissible unacceptable. The Government of the Sudan had not overreacted, but had simply requested the Special Rapporteur to withdraw his comments calling for the abolition of shariah legislation. When the Special Rapporteur had refused, the Government had had no option but to deny him access to the country. That was why the Special Rapporteur had been unable to visit the Sudan a fourth time. His delegation did not want to speculate about the fate of the Special Rapporteur if he continued to offend the feelings of Muslims world wide by maintaining his position, as he had done in his latest report.

20. In the light of that stalemate, which could easily have been resolved by replacing Mr. Biro with some other person, the Special Rapporteur had recommended that monitors should be deployed in such locations as would facilitate an improved information flow. Such deployment would be a futile exercise for the following reasons: (a) the Sudan was currently pursuing an open-door policy in the field of human rights as a result of which many international dignitaries and reputable organizations had been able to visit the country recently and to verify the allegations of human rights violations; (b) monitors would not have the same credibility or concern for human rights as the dignitaries and organizations that he had just mentioned; (c) information had been flowing regularly from the Sudan through United Nations agencies and representatives working in the field of human rights, with which the Government maintained good working relations; and (d) the proposed monitors would undoubtedly receive mostly second-hand information about the situation of human rights in the Sudan, and most of the people contacting them would be political opponents of the Government and, as such, unlikely to be impartial. Since information on human rights in the Sudan had been flowing regularly to all parts of the world through credible sources whose concern for human rights was unquestionable, it was surprising that the Special Rapporteur mentioned none of those sources in his interim report. The Committee deserved an explanation for that omission, which his delegation believed was intended to mislead committee members into believing that there was no flow of information from the Sudan so that they would agree to the deployment of monitors.

21. The situation of human rights in the Sudan, while not very ideal, was one of the best in the world. Whenever violations had been reported, his Government had not hesitated to respond promptly and effectively. In fact only a few weeks previously, the Government had released all political detainees, pardoned all political prisoners, committed itself to holding general elections for Parliament and the Presidency in 1996 and decided to review all cases of civil servants made to retire in the public interest. The Special Rapporteur, however, had overlooked those developments. His delegation therefore requested the Committee to discontinue its consideration of the situation of human rights in the Sudan or, alternatively, to acknowledge that the recommendation on the deployment of monitors was unwarranted.

22. The CHAIRMAN noted that it was the prerogative and the right of every Member State to disagree with or comment on the report of a special rapporteur. However, he urged all delegations to cooperate in facilitating the work of special rapporteurs, particularly with regard to their safety.

23. Mr. DEGNI-SEGUI (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Rwanda), introducing the report in document A/50/709-S/1995/915, said that he had undertaken three missions to Rwanda: to ascertain the progress made in the deployment of human rights observers (27 March to 3 April 1995), to investigate the events that had occurred at Kibeho when the displaced persons camp had been forcibly closed by the Rwandan Patriotic Army (25 to 28 May 1995) and to investigate the situation created by the expulsion of Rwandan refugees from camps in Zaire (24 to 28 August 1995). Those field visits had enabled him to review the progress of the inquiry into the genocide, the current human rights situation and the problem of the return of refugees and displaced persons.

24. With regard to the inquiry into the genocide, substantial progress had been made in deploying observers, but a number of difficulties had been encountered. The number of observers deployed under the human rights operation had risen from four in mid-August 1994 to 116 in August 1995. However, the target of 147 observers had still to be reached and numbers were currently dropping. Observers had been deployed throughout the territory of Rwanda, in teams and in three operational units, namely, the legal analysis and coordination unit, the monitoring unit and the technical assistance unit. The difficulties encountered were either practical or political. The practical difficulties derived essentially from the shortage of financial resources which had, for example, so far prevented the Special Rapporteur from investigating the circumstances of the 6 April 1994 attack on the presidential aircraft. The political difficulties had to do with relations between the human rights operation and the Rwandan authorities, and between the Special Procedures Branch of the Centre for Human Rights, and the Special Rapporteur, but were fortunately being resolved.

25. Despite the difficulties encountered, some progress had been achieved. The inquiry in the field had confirmed that both genocide and other crimes against humanity had been committed. The facts were being verified on the basis of eyewitness accounts and other evidence. Eye-witness accounts were being gathered from survivors, military observers and the staff of non-governmental organizations and they vividly described the details of massacres and named those responsible. Eyewitness accounts and other evidence were being transmitted to the International Tribunal for Rwanda, which would help to further the investigation. The International Tribunal and the Special Rapporteur were required to cooperate closely, not only by exchanging information but also by determining the use to be made of such information, since public proceedings must be carried out with due regard for the confidentiality of the Tribunal's work. The situation with regard to current human rights violations was a different matter, however.

26. The human rights situation in Rwanda had barely changed and was still characterized by violations of property rights, personal security and the right to life. Illegal occupations of property continued. In view of the failure of the land dispute committee, UNDP had launched a project for building new housing

for returnees. International financial support for the project had not been forthcoming, however. Furthermore, the project provided for the construction of only 500 buildings whereas nearly 600,000 former refugees needed to be reintegrated. International assistance was still woefully inadequate.

27. Violations of the right to personal security consisted of arbitrary arrests and detentions of persons accused of having participated in the genocide. Prisons were therefore overcrowded beyond the threshold of tolerability. The distressing conditions of detention were causing a number of illnesses and deaths and prisoners were being subjected to inhuman treatment. The measures taken to improve the situation in the prisons had not been effective. For instance, the tripartite commissions appointed to sort the casefiles of detainees had serious limitations. Nevertheless, the Rwandan Government, with the aid of the international community, had adopted a comprehensive programme for rehabilitating the judicial and prison systems.

28. After decreasing somewhat, violations of the right to life were on the increase again, taking the form of summary executions, massacres, and abductions and enforced disappearances. Since the end of the hostilities, many Hutus had been abducted or had disappeared. Summary executions had also been committed and, in some cases, appeared to be politically motivated. International public opinion was more aware of cases of massacre, particularly those at Kibeho and Kanama.

29. The violations that he had mentioned were not conducive to the return of refugees and displaced persons and little progress had been made in that regard. In fact, the situation had deteriorated. With the failure of "Operation Return", the Rwandan authorities had begun to close displaced persons' camps on 18 April 1995 and forcibly to return displaced persons to the communes from which they had come. It was under those circumstances that the Kibeho massacres had occurred. The threatened expulsion of Rwandan refugees from Zaire was also a matter of grave concern to the international community. The environmental degradation and, especially, the insecurity generated by the presence of Rwandan refugees, particularly armed elements, had prompted host States to demand their expulsion. That had been the rationale for the decision taken by the Zairian authorities on 19 August 1995, in response to the lifting by the Security Council of the arms embargo against Rwanda. Fortunately, thanks to cooperation between the Rwandan Government and United Nations agencies, the repatriation of 20,383 Rwandans from Zaire between 19 August and 1 September 1995 had gone smoothly. However, the ultimatum given by the Zairian authorities for a general return by the end of 1995 was not helping the situation, since it left pending a number of issues related to facilities for receiving the refugees in Rwanda, their reintegration into their communes, their safety and the recovery of their property.

30. In concluding, he emphasized that special efforts must be made to accelerate the repression of genocide and the cessation of human rights violations, assist in national reconstruction and reconciliation and ensure the return of Rwandan refugees to their country. The United Nations should expedite the proceedings of the International Tribunal for Rwanda, provide substantial assistance to the Rwandan Government for its national reconstruction efforts and its rehabilitation of the prison and judicial systems and call on it to take

steps to ensure respect for human rights and repress human rights violations. States hosting Rwandan refugees, particularly Tanzania and Zaire, should be urged to respect their international commitments relating to the protection of refugees. The international community, the Rwandan Government and host States should be urged to find a comprehensive lasting solution to the problem of repatriating Rwandan refugees. Lastly, the United Nations should recommend to the parties concerned that they participate in the international conference on the Great Lakes region announced by the Presidents of Uganda, Tanzania and Zaire, with a view to finding a comprehensive, lasting solution to the problems of that region.

31. Mr. GROTH (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Cuba), introducing his interim report (A/50/663), said that he had been unable to visit Cuba because he had not been invited by the Government and that there had been no exchange of information or views with the Government during the past year.

32. The main human rights violations in Cuba were in the field of individual and political rights. The Government did not allow anyone to express in an organized manner any views that differed from the official ones. His task was to focus on the extent to which the political system accorded with the commitments made by Cuba under various international human rights instruments and with the principles and values to which it thereby subscribed. The latest report was generally similar to previous ones. There were some signs of a change for the better in that undue violence seemed to be less prevalent and critics of the Government were apparently being controlled or threatened in a more sophisticated manner than previously. For example, there had been far fewer reports of cases involving the "rapid-response brigades", largely because the Cuban authorities had realized that such crimes created bad publicity abroad.

33. There had been some marginal improvements in human rights on a strictly technical level. Cuba had signed the Convention against Torture, a group of non-governmental human rights organizations had visited Cuba at the invitation of the Government and a number of prisoners of conscience had been released. While that was encouraging, he felt that such measures had been taken for their tactical value, not as a result of any change of heart on the part of the authorities.

34. The day-to-day situation for human rights monitors and dissidents remained very difficult and their punishment was by any measure disproportionately harsh. He was somewhat more optimistic than in the past about potential improvements in a number of areas. Pragmatic decisions had been taken to improve the economic situation and the day-to-day living conditions of Cuba's population. The rigidity of the Cuban authorities could be partly explained by the fact that the Government felt itself to be surrounded by forces hostile to its economic and political system, but even in that area there were signs of an opening and of a desire to take a fresh look at policies concerning Cuba. He was most encouraged at the interest shown by the European Union in cooperating with Cuba and hoped that a cooperation agreement would be reached which would lead to improvements in the economic and human rights fields.

35. The recommendations in the report were very similar to those made in previous years. In formulating them, he had made a special effort to avoid questioning ideological positions or basic constitutional matters and had endeavoured to focus on administrative measures which might make life more bearable for Cuba's citizens.

36. Mr. FERNANDEZ PALACIOS (Cuba) said that the report on the so-called human rights situation in Cuba once again called into question the legitimacy of Cuba's political system, legal and constitutional framework, institutions and civil society. Its analysis of certain situations was biased in favour of tendentious information supplied by organizations largely operated and financed by the United States of America. The report made little mention of Cuba's successes, ignored all the measures being taken to improve Cuban democracy through effective popular participation and refused to acknowledge the process of change taking place in the country. His delegation did not see show the Special Rapporteur could talk about human rights in Cuba while ignoring the flagrant, systematic and massive violation of the human rights of the Cuban people caused by the United States embargo. The report made no mention whatsoever of the many innocent victims of the dirty war waged against Cuba for the past 36 years.

37. The Special Rapporteur had once again referred to the lack of cooperation which prevented him from fulfilling his mandate. It was because that mandate was irremediably flawed that his Government could not cooperate with the Special Rapporteur. It would, however, continue to cooperate with all United Nations mechanisms that had been established for all Member States equally, without unfair discrimination or political selectivity. Such cooperation included the visit made to Cuba by the High Commissioner for Human Rights at the Government's invitation, Cuba's ratification of the Convention against Torture and the visit to Cuba by a group of non-governmental organizations interested in such matters.

38. There had never been any justification for a special procedure with regard to Cuba; the existence of a human rights situation that would warrant such selective, discriminatory treatment had never been demonstrated. Attempts to institutionalize that procedure created a bad precedent and impeded international cooperation. It was therefore regrettable that the Special Rapporteur, with his lack of objectivity and rigour, had become an instrument of United States policy against Cuba. Cuba's sovereignty and independence were not negotiable and it would never expose its institutions to the capricious scrutiny of a great Power or the ideological prejudices of a so-called Rapporteur.

39. Mrs. FERRARO (United States of America) said that the recent agreement signed by the parties to the conflict in the former Yugoslavia represented the best hope for ending the worst atrocities that Europe had experienced since the Second World War and the best opportunity for preventing a wider and more terrible war in that volatile region. Ethnic and racial tensions were being exploited for political ends in all regions, however, and repressive Governments were stubbornly resisting the world-wide trend towards respect for human rights, democracy and civil society.

40. International instruments had become an important tool for ensuring adherence to agreed human rights standards. The United States was committed to

working with the international community to build a world based on those principles. Earlier that year, her country had sent a large, high-level delegation to present its initial report to the Human Rights Committee, a body which had the potential to contribute positively to the realization of international human rights standards. Although, inevitably, the United States did not always see eye to eye with the various human rights treaty bodies, it shared the fundamental objective of universal implementation of shared human rights standards.

41. Her country's commitment to civil liberties and to a framework of laws and protections for their exercise was deeply rooted in its history. The United States remained committed to the principles of equal protection and non-discrimination which underlay the racial, ethnic and religious diversity of its democratic society and gave powerful meaning to the inalienable rights of its citizens. It looked forward to working with other countries to usher in a world in which human rights standards were the common standard.

42. Mr. LACLAUSTRA (Spain), speaking on behalf of the European Union, Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Slovakia, said that the time had come to recognize the preventive nature of the work of the human rights treaty bodies, the Centre for Human Rights, the Commission on Human Rights and the United Nations High Commissioner for Human Rights. Increased resources for their efforts to enhance the implementation of human rights standards and consolidate democracy and the rule of law could actually save human lives. The current budget proposal for the human rights programme was still well below what was needed and a further increase was necessary for the Organization to fulfil its expanded human rights mandates and pursue the priorities established in the Vienna Declaration and Programme of Action. Contrary to the claim that additional funding for human rights programmes would be at the expense of development activities, the promotion and protection of all human rights was an integral part of the development process.

43. Social development was the primary responsibility of Governments, which must ensure that everyone could participate in, contribute to and enjoy economic, social, cultural, civil and political rights. Realization of the right to development should be promoted through the strengthening of democracy, the development of and respect for human rights and fundamental freedoms, effective development policies at the national level and equitable economic relations and a favourable economic environment at the international level. The European Union was committed to supporting national efforts through its development cooperation policies, which supported human rights and the democratization process in developing countries.

44. In the Beijing Platform for Action, States had made numerous commitments to implementing the human rights of women. He urged States to live up to those commitments. Violations of women's human rights were often overlooked in the general context of lack of compliance with human rights obligations. The human rights treaty bodies and the special procedures of the Commission on Human Rights should monitor women's human rights more closely and States should include gender aspects in their reporting under all human rights conventions and instruments.

45. The establishment of the International Tribunals for the former Yugoslavia and Rwanda was an important contribution to the fight against impunity for crimes against humanity and serious violations of human rights and international humanitarian law. However, ad hoc tribunals could not be the answer in every case. A permanent international criminal court should be established.

46. The Vienna Conference on Human Rights had reaffirmed that the promotion and protection of all human rights was a legitimate concern of the international community. The European Union welcomed outside scrutiny and accepted as entirely legitimate the intervention of mechanisms and procedures established for the promotion and protection of human rights.

47. While progress had been made towards peace, democratization and respect for human rights in a number of countries, such as Mozambique, Angola, Liberia, El Salvador and Haiti, such progress required consolidation.

48. The European Union welcomed the successful conclusion of the peace talks at Dayton, Ohio, and was confident that the Bosnia and Herzegovina peace agreement would pave the way for a peaceful, stable future for all countries of the former Yugoslavia. It was encouraging that all parties to the agreement had undertaken to promote and protect human rights and fundamental freedoms as set forth in the European Convention on Human Rights and that the right of all refugees and displaced persons to return to their homes or to obtain compensation had been reaffirmed. The basic agreement between Croatia and the local Serbs regarding the transitional arrangements for Eastern Slavonia was also encouraging. The Dayton agreement required the parties to cooperate with ICRC in locating all missing persons and to give international organizations full access for the purpose of monitoring the human rights situation throughout Bosnia and Herzegovina. The parties were also bound to comply with provisions aimed at the early release of all civilians and combatants held in prison or detention, to close detention camps and to give ICRC access to all detention sites.

49. With regard to Croatia, the European Union had expressed its deep concern at the reports of grave violations of human rights and international humanitarian law during and after the Croat offensive in Krajina and had called for free access to be given to international observers. The Union condemned the reported cases of continued killings and ill-treatment of Croatian Serbs and had suspended its trade and cooperation agreement and technical assistance programme with Croatia. Recent legislation limiting the rights of Croatian Serbs had been noted with concern: any Serb refugee from the Krajina region wishing to return to Croatia must be allowed to do so.

50. The Union remained concerned about the human rights violations and discrimination practised by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) against members of the Albanian majority population in Kosovo and minorities in other parts of the country, and it cautioned against any attempts to use Serb refugees to alter the population balance. It called on all parties to extend their full cooperation to the Special Rapporteur and to implement her recommendations and those of her predecessor. The work done by the International Tribunal for the former Yugoslavia was encouraging, as was the fact that the parties to the Dayton agreement had reaffirmed their obligation to cooperate fully with the

international investigation and prosecution of serious violations of international humanitarian law and crimes against humanity, an obligation which was enshrined in the new constitution of Bosnia and Herzegovina.

51. The Union would support peace-building activities related to implementation of non-military aspects of the peace agreement, including the return of refugees, the promotion of human rights and the holding of free and fair elections in Bosnia and Herzegovina.

52. With regard to Albania, the Union noted the Government's efforts to pursue democratic reform and called on it to continue that process, which the Union would support.

53. The recent constitutional reform in Turkey was a welcome step towards full democracy, but continued serious human rights violations, particularly in the south-eastern provinces, were cause for concern. The problems in that area of the country should not be viewed primarily as a security issue and did not therefore warrant a purely military solution. While the Government had a duty to protect its citizens against terrorism, that duty must be carried out with full respect for human rights and fundamental freedoms. All remaining political prisoners should also be released. It was important that the Government cooperate with the mechanisms of the Commission on Human Rights and with the Committee against torture and also that human rights organizations such as ICRC should be granted access, including access to prisons.

54. The European Union reaffirmed its support for all efforts to find a just and viable solution to the question of Cyprus and for restoration of the country's unity, independence, sovereignty and territorial integrity in accordance with the relevant United Nations resolutions and high-level agreements.

55. The Union had deplored the atrocities and human rights violations committed by all the parties in Chechnya and had urged them to come to a political agreement which respected the sovereignty of the Russian Federation, secured full respect for human rights and allowed for free and fair elections. It supported the efforts of the permanent assistance group of the Organization for Security and Cooperation in Europe. It was concerned at the suspension of the 30 July 1995 military agreement, which had allowed for an exchange of prisoners, Russian troop withdrawals and the disarmament of Chechen fighters. It was important that all parties abide by the cease-fire until formal negotiations on implementation of the full agreement were resumed.

56. The Union was deeply concerned at continuing serious human rights violations in the Sudan, which included summary executions, extrajudicial killings, arbitrary arrest, detention without due process, violations of the rights of women and children, slavery and slavery-like practices, forced displacement of persons and systematic torture. It urged the Government of the Sudan to release all children from places of detention and hoped that the initiative of releasing political detainees would soon be followed by steps towards peace, tolerance and reconciliation. It deplored the continued refusal of the Government of the Sudan to cooperate with the Special Rapporteur in his efforts to carry out his mandate, in particular by denying him the right to

visit the country. It also deplored the personal attacks made against the Special Rapporteur and strongly rejected the statement made earlier in the meeting by the representative of the Sudan. It called on the Government of the Sudan to end the deliberate, indiscriminate aerial bombing of civilian targets, to resume its cooperation and to allow the deployment of monitors to help verify the situation of human rights in that country. Lastly, it called on all parties to respect the cease-fire and the provisions of international humanitarian law.

57. The European Union had followed the situation in Algeria with growing concern. It supported all initiatives to help bring about a political solution through peaceful dialogue and the establishment of full democracy and it had consistently condemned all acts of terrorism. It noted the outcome of the presidential elections and believed that the level of voter participation reflected the determination of the Algerian people to find peaceful solutions to their problems. It was to be hoped that the elections would be followed by rapid progress towards the organization of legislative and local elections, which would contribute to the political normalization of the country.

58. The Union was concerned about the use of force against civilians in Zaire by members of the armed forces and security forces and the continuing impunity enjoyed by the perpetrators. It welcomed the agreement to station two human rights experts in Kinshasa not only to report on violations but also to prevent them and advise the authorities. It called on the parties in Zaire to abide by the 1994 agreement on the constitutional act and on the Government fully to implement its agreement with UNHCR concerning the voluntary repatriation of refugees to neighbouring countries.

59. The European Union strongly condemned the execution on 10 November 1995 of Mr. Ken Saro-Wiwa and his eight co-defendants, which was a clear breach by Nigeria of its obligations under the international instruments to which it was a party. The Union condemned the human rights violations perpetrated by the military regime, which included capital punishment and harsh prison sentences imposed after imperfect judicial processes. The detention without trial of political figures was a source of particular concern, as was the fact that the military regime had yet to demonstrate any intention of restoring civilian democratic rule within a credible time-frame.

60. The genocide, massacres and civil war in Rwanda had been one of the most tragic chapters in Africa's history. Prosecution of the perpetrators of those massive violations of human rights and humanitarian law was a moral and legal imperative and was essential for national reconciliation and political stabilization in Rwanda and throughout the region. Although it had taken a long time to set up, it was encouraging that the International Tribunal for Rwanda was to commence proceedings shortly and issue its first indictments. All States had an obligation under international law to cooperate fully with the Tribunal. The granting of sanctuary to perpetrators of human rights abuses was unacceptable.

61. Ensuring the accountability of those who had perpetrated human rights violations remained the primary responsibility of an independent, impartial Rwandan judiciary, however. The most pressing priorities were the improvement of prison capacity and conditions and the strengthening of the judicial system

and it was to be hoped that the plan of action for that purpose would be implemented swiftly. The Union unconditionally supported the human rights field operation in Rwanda, which was a practical expression of the international community's philosophy of prevention through the provision of technical assistance in areas such as the strengthening of the administration of justice and human rights education.

62. An impartial investigation was required into the circumstances leading up to the October 1993 coup d'état in Burundi and the subsequent massacres and other serious acts of violence. To ensure the prosecution of all those who had committed such acts, the Union strongly supported the establishment of an international commission of inquiry as suggested in Security Council resolution 1012 (1995). Preventive action in Burundi should be increased through the deployment of human rights experts and observers throughout the country and through human rights training programmes. The Union had given strong backing to international efforts in Burundi, including the activities of the Special Representative of the Secretary-General, the United Nations High Commissioner for Human Rights and the Organization of African Unity, and had cooperated in programmes for strengthening the administration of justice and economic and social reconstruction. However, the success of those efforts would depend on the efforts of the people of Burundi themselves. There was a need for a dialogue among all the parties, particularly in view of the continuing ethnic conflict.

63. The human rights situation in Kenya had deteriorated over the past year. There were impediments to full participation by the opposition in the political process. The right to a free and fair trial must be respected and all cruel and inhuman forms of punishment must be eliminated. In that context, the recent trial and sentencing of Koigi wa Wamwere and others were of particular concern.

64. The European Union continued to be concerned about the grave human rights situation in Iran, including the large number of executions, cases of torture and degrading treatment or punishment, the absence of guarantees of due process, the discriminatory treatment of minorities, particularly on religious grounds, the restrictions on freedom of expression and the practice of gender-based discrimination. It called on the Government of Iran to cooperate fully with the Special Representative and other mechanisms of the Commission on Human Rights and to implement existing agreements with international humanitarian organizations. It reiterated its condemnation of the fatwa against Salman Rushdie as a blatant breach of international law, the Universal Declaration of Human Rights and the principle of States sovereignty.

65. In Iraq, judicial and extrajudicial executions, including mass executions, were continuing while enforced and involuntary disappearances and torture and cruel, inhuman and degrading treatment and punishment were routine. The Union urged the Iraqi authorities to implement Security Council resolution 688 (1991). The Iraqi authorities had rejected Security Council resolution 986 (1995), which would allow proceeds from oil exports to alleviate the humanitarian situation. Some regions of the country and certain social groups were being seriously discriminated against with regard to access to food and health care. Iraq should be reminded of its obligations under the International Covenants on Human Rights and of the need to respect and ensure the rights of all individuals

within its territory. The situation of the marsh Arabs, whose existence as a community was threatened, was a particular source of concern. The Special Rapporteur had also reported the destruction of crops and livestock by the army in certain parts of Iraq. The work of the Special Rapporteur was to be commended and the Union urged the Government to cooperate fully with him and to allow the unconditional stationing of human rights monitors throughout the country.

66. The Union was concerned at the reports of failure to observe due process in convictions leading to executions in Saudi Arabia throughout 1995 and at reports of torture of detainees and other cruel, inhuman or degrading punishment. Detention without trial was also cause for concern, as was the existence of obstacles to women's enjoyment of equal status and human rights and to freedom of religion and expression. The Union called upon the Saudi authorities to cooperate fully with all human rights monitoring bodies.

67. The European Union supported the efforts of the Secretary-General and his Special Representative to bring peace to Afghanistan. It appealed to all parties to the conflict to end the bloodshed and negotiate a peaceful settlement as the only way to halt attacks on the civilian population and other serious violations of international humanitarian law. It also appealed to other countries in the region not to interfere in the conflict.

68. While welcoming the new spirit of cooperation shown by the Indian authorities, the Union regretted the continuing violence and human rights violations in Kashmir. The Government of India should implement the memorandum of understanding signed with ICRC on the latter's presence and activities in Kashmir. While the acts of violence and crimes committed by armed opposition groups were deplorable and must be resisted, the Indian security forces must also respect human rights and the rule of law. The Union appealed to both India and Pakistan to refrain from any action that might threaten regional security and to resume their political dialogue. It also appealed to the Government of Pakistan to prevent the infiltration of armed groups from territories under its control.

69. The European Union had welcomed the release of Daw Aung San Suu Kyi by the Myanmar authorities as a first step towards national reconciliation and respect for human rights and it continued to monitor that process closely. It called on the State Law and Order Restoration Council to release all remaining political prisoners and to engage in a meaningful dialogue with all political and ethnic groups and their chosen leaders, in order to restore the country's democratic institutions and freedom of expression and assembly. Credible, well-founded reports of arbitrary arrest and torture, summary execution, gang rape, forced labour, forcible recruitment and ill-treatment of porters by the army, burning of villages and crops, forced relocation and the harassment of ethnic minorities remained a source of extreme concern to the international community. The Government should abide by its obligations under the Geneva Conventions and ratify and implement the International Covenant on Human Rights and the Convention against Torture. The authorities should also resume their dialogue with ICRC and allow it access to prisoners, and should cooperate fully with the Special Rapporteur.

70. Recent reports of mounting tensions and increasing repression in East Timor gave rise to deep concern over the human rights situation there. While welcoming the invitation extended to the High Commissioner for Human Rights to visit East Timor in 1995, the Union urged the Indonesian Government to implement its undertaking to cooperate with the Commission on Human Rights and invite its representatives to visit East Timor and to give greater access to human rights and humanitarian organizations and the international media. Further investigations should be conducted into the 1991 Dili killings and subsequent grave human rights violations. The findings should be made public and all those responsible should be held accountable. The Union called on the Indonesian authorities to release Mr. Xanana Gusmao and all other political prisoners.

71. The Union denounced the indiscriminate acts of terrorism carried out in Sri Lanka. Every effort should be made to protect the civilian population and the Union therefore welcomed the Government's recent statement concerning the shipment of relief supplies to the north of the country.

72. The persistence of long-standing problems in the situation of human rights in China was cause for concern. In disregard of basic legal safeguards, the death penalty had been used extensively and detainees continued to be tortured and ill-treated. "Re-education through labour" was still widespread. Freedom of religion, expression and assembly remained severely restricted. One new trend was the arbitrary detention and harassment of dissidents and their relatives prior to politically sensitive events. Several dissidents, such as Mr. Wei Jinsheng, were being detained without trial or prosecuted for their political activities. The human rights situation in Tibet and the threat to the cultural, religious and ethnic identity of Tibetans was particular cause for concern and the Chinese authorities were urged to respect Tibetans' freedom of religion. China's willingness to pursue a formal dialogue on human rights was welcome and the Government's declared readiness to accede to the International Covenants on Human Rights was encouraging.

73. The situation of human rights in Guatemala, as described both by the Independent Expert of the Commission on Human Rights and by the United Nations Mission in Guatemala, was alarming. While Government efforts had brought about some positive results, there had not been a significant improvement with regard to the number and seriousness of violations of the rights to life, integrity and security of person and personal liberty in which State agents were allegedly involved. The Government needed to combat impunity effectively, since that remained the most serious obstacle to the enjoyment of human rights in Guatemala. Full implementation of the comprehensive Agreement on Human Rights was long overdue. It was to be hoped that the current electoral process would contribute to the strengthening of democratic institutions.

74. The European Union attached great importance to respect for human rights and fundamental freedoms in Cuba and urged the Cuban Government to cooperate fully with the Special Rapporteur. Political reforms were needed to make the Cuban authorities fully accountable to the Cuban people and the Government must engage in a genuine dialogue with the opposition and release all political prisoners. While Cuba's accession to the Convention against Torture was encouraging, it should also ratify the International Covenants on Human Rights.

75. The European Union supported the efforts made by the Government of Colombia to curb violations and abuses committed by members of the security forces and violence by guerrilla groups. Reports of extrajudicial executions, enforced disappearances and the torture and ill-treatment of prisoners were cause for concern. Ultimately, the key to success lay in ending impunity. The Union trusted that the Government would continue to cooperate with United Nations human rights mechanisms and would implement the recommendations made by thematic rapporteurs and the Working Group on Enforced and Involuntary Disappearances. The Government was expected to honour the commitments which it had made in that regard at the fifty-first session of the Commission on Human Rights.

76. The European Union acknowledged the improvement in the human rights situation in Peru, but remained concerned about the question of impunity. In June 1995, the Peruvian Congress had introduced an amnesty law that, in effect, ensured the impunity of all those convicted of human rights violations in the past. Appropriate measures should be taken to deal with that issue.

77. The European Union subscribed to the reaffirmation by the Vienna Conference that the promotion and protection of human rights was a legitimate concern of the international community. It was in that spirit that it had addressed human rights situations around the world.

78. Mr. HAUGESTAD (Norway) said that there was no easy way to implement the principles set forth in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. While many minorities called for a degree of self-government in support of their inherent human rights, the responsibilities of the Governments of multicultural nations could not be ignored. Accordingly, his Government welcomed the establishment of a working group on minorities under the Subcommission on Prevention of Discrimination and Protection of Minorities. Respecting the rights of minorities was essential for ensuring stability and security and had a major role to play in peace-building and peacemaking.

79. Norway welcomed the agreement reached by the parties to the conflict in the former Yugoslavia, which recognized the vital importance of respecting human rights and protecting refugees and displaced persons. His Government pledged its full support for the implementation of the peace agreement and was ready to continue its substantial contribution towards improving the human rights situation in the area.

80. The right to criticize was a fundamental human right. The protection of those who stood up for the promotion of human rights and were critical of their own Governments was a matter of particular concern to his delegation. Peaceful advocates of human right protection should be viewed as important partners of Governments in promoting democracy and the rule of law. Accordingly, there was a need for early completion and adoption of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

81. Freedom of expression was a fundamental human right and a prerequisite for the enjoyment of other civil and political rights. The fatwa against writer

Salman Rushdie was an intolerable infringement of the human rights of individuals everywhere and should be brought to an end.

82. Since the protection of human rights was at its weakest in situations of internal violence and public states of emergency there was a need for minimum humanitarian standards which represent an irreducible core of non-derogable humanitarian norms and human rights applicable to all situations. Such minimum standards should include basic judicial guarantees, limitations on the excessive use of force, the prohibition of deportation, rules pertaining to administrative or preventive detention and guarantees of humanitarian assistance. His Government urged Member States to cooperate with the United Nations in a detailed analysis of the draft Declaration of Minimum Humanitarian Standards.

83. Every Government had an obligation to respect the principles of due process. The recent execution in Nigeria of some of that country's most prominent human rights activists was a blatant violation of all the basic standards of legal process and respect for human rights. The international community had a duty to react against such atrocities and Norway had declared its readiness to support the measures recently adopted to that end by the European Union. In view of the seriousness of the situation, the international community should consider further measures, including economic sanctions, unless steps were taken to put an end to the practices in question. Those working for democracy, freedom of expression and human rights in Nigeria must be supported.

84. Mr. LADSOUS (France) said that his delegation subscribed fully to the statement made by Spain on behalf of the European Union but wished to touch on certain issues in greater detail. France strongly supported the work of the United Nations High Commissioner for Human Rights and the strengthening of the Centre for Human Rights. While it noted with satisfaction the human rights commitments made by the parties to the conflict in the former Yugoslavia, the precise role to be played by the High Commissioner and the new Special Rapporteur in supervising and coordinating human rights activities aimed at improving the situation in the former Yugoslavia needed to be defined. France also supported the holding of a conference on peace, security and development in the Great Lakes region of Africa, which should be held under United Nations auspices and would help to restore respect for human rights in countries of the region. Lastly, his Government would give its active support to the International Tribunals for the former Yugoslavia and Rwanda and hoped that all concerned States would do likewise.

85. France welcomed the outcome of the Fourth World Conference on Women. Equality between the sexes was a universal principle which could not be called into question. His country was concerned therefore at the scope of some of the reservations expressed during the adoption of the Beijing Declaration and Platform for Action and supported the appeal to withdraw reservations that were incompatible with the Convention on the Elimination of All Forms of Discrimination against Women or with international treaty law. It was particularly important to take account of the systematic nature of discrimination against women and to take the measures recommended in the Platform for Action.

86. The Beijing Conference had emphasized that women's fundamental rights included the right to decide freely on matters related to sexuality and reproduction, without discrimination, constraint or violence. The exercise of that right, which simply applied the principles of freedom and dignity of the individual to the area of sexuality, was of fundamental importance. Violence against women was a flagrant violation of their rights and had been universally condemned at the Beijing Conference.

87. France attached great importance to the Convention on the Rights of the Child but noted that a great deal needed to be done to ensure its implementation throughout the world. His country called for universal ratification of the Convention and was concerned at the increasing number and scope of the reservations entered to it. Because the Convention was imprecise on some points, France supported the two draft additional protocols currently under consideration in the Commission on Human Rights.

88. National institutions for the promotion and protection of human rights could play a valuable role in establishing a culture of human rights, assessing the impact of domestic legislation on the enjoyment of human rights and monitoring respect for the human rights of specific individuals. National human rights institutions could also serve as national focal points for many United Nations initiatives. The effectiveness of such institutions was contingent on their being genuinely indepedent of the Government and the State. The guarantees of independence set forth in the "Principles relating to the status of national institutions" must be respected so that such institutions could be given an opportunity to participate in the work of the United Nations, inter alia, by granting them a status at least comparable to that of non-governmental organizations.

The meeting rose at 1.20 p.m.